

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)
) Case No. 1:19-cr-102
v.)
) Judge Travis R. McDonough
)
GABRIEL SETH BROCK) Magistrate Judge Susan K. Lee
)

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea as to Counts One and Two of the two-count Indictment; (2) accept Defendant's guilty plea to Count One and to the lesser-included offense of the charge, in Count Two of the Indictment, of conspiracy to distribute fifty grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B); (3) adjudicate the Defendant guilty of Count One and of the lesser-included offense of the charge, in Count Two of the Indictment, of conspiracy to distribute fifty grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B); (4) defer a decision on whether to accept the revised plea agreement (Doc. 61) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. (Doc. 64).

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 64) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea as to Count One and Count Two of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One and to the lesser-included offense of the charge in Count Two of the Indictment of conspiracy to distribute fifty grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty to Count One and to the lesser-included offense of the charge in Count Two of the Indictment of conspiracy to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B);
4. A decision on whether to accept the revised plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **May 1, 2020 at 2:00 p.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**